

**RULES
OF
TENNESSEE DEPARTMENT OF HUMAN SERVICES
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-51
PERIODS OF ELIGIBILITY**

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1240-1-51-.01 Eligibility for Families First - Time Limits

1240-1-51-.01 ELIGIBILITY FOR FAMILIES FIRST - TIME LIMITS.

- (1) Receipt of Families First cash benefits will be limited to sixty (60) months, as calculated in paragraphs (2) and (3) below, unless the assistance group meets certain extension criteria, as specified in paragraph (4) below.

(a) Reserved for future use.

(b) Reserved for future use.

- (2) Calculation of sixty (60) -month time limit.

For persons who were eligible for and received a Families First grant prior to July 1, 2007, then any month prior to July 1, 2007 that was exempt from, or that was otherwise not countable toward, the sixty (60) -month time limit pursuant to applicable law, these rules as in effect prior to such date, or pursuant to the Department's U.S. Department of Health and Human Services Families First waiver of July 25, 1996 as it existed prior to July 1, 2007, shall not be counted toward the sixty (60) -month time limit; provided, however, that for applications or re-application (reapplication means the person has been off the program for at least thirty (30) days) for Families First made on or after July 1, 2007, all months in which a TANF grant was received in any other state or territory on or after August 22, 1996 shall be counted. Months of receipt of Families First or TANF grants accrued after July 1, 2007 shall be counted per applicable laws and rules in effect on and after such date. Therefore, any months accrued in another state before July 1, 2007 will continue to be exempt as long as the person doesn't leave Families First then re-apply. Otherwise, all accrued months will be counted and any months accrued while on TANF in other states after July 1 will also be counted.

- (3) Exclusions from Countable Months. For the purpose of calculating the months for which assistance is received under the sixty (60) -month time limit, the following months will not count:

(a) Months in which Families First cash assistance was received as a dependent child by a caretaker who later makes application for Families First as an adult.

(b) Reserved for future use.

(c) Months during which an AG did not receive a Families First grant. This could be due to the AG qualifying for a grant less than ten dollars (\$10.00) or to the AG having a recoupment of their grant that left the AG with a grant less than ten dollars (\$10).

(d) Months during which the AG is in a sanction status which results in no benefit being paid to the entire unit.

(e) Reserved for future use.

(Rule 1240-1-51-.01, continued)

- (f) Reserved for future use.
 - (g) Reserved for future use.
 - (h) Reserved for future use.
- (4) Extensions To The sixty (60) -Month Time Limits. The following AGs may qualify for an extension to the 60-month time limit for the periods the circumstances below exist:
- (a) AGs in which the caretaker is age sixty-five (65) or older;
 - (b) AGs in which the caretaker is age sixty (60) as of July 1, 2007;
 - (c) AGs in which the caretaker is disabled;
 - (d) AGs in which the caretaker must provide in-home care for a relative who lives in the home (e.g., parent, spouse, child) who is disabled and requires full-time care;
 - (e) AGs in which the caretaker is temporarily incapacitated.
 - (f) AGs with extenuating circumstances, such as a temporary significant life crisis as defined by policy.
 - (g) AGs reaching sixty (60) months between July 1, 2007 and July 1, 2008. These AGs will receive a six (6) -month extension.
 - (h) AGs with a non-parent grantee relative who is not included in the AG and who is not included as a recipient of Families First.
- (5) The extensions to the sixty (60) -month time limit found in subparagraphs (4)(a) through (h) will be granted based on funding availability and on the ability of the Department to maintain compliance with federal time limit restrictions.
- (6) Two parent Assistance Units. The number of lifetime months for a two-parent household will be the same for both adults. The lifetime total for an AG that is formed when two adults combine households will be that of the adult with the higher number of months accrued. For example, if the adults in a two-parent AG that has accrued 25 months separate, and either parent applies for Families First, the time count for the new case will begin at 26 months. In a second example, if a parent with 10 countable months marries a parent with 15 countable months and they have a child in common, one AG will be formed with a time count of 15 months. If they stay together for 12 months and then separate and reapply, each parent will have a time count of 27 months.

Authority: T.C.A. §§4-5-201 et seq., 4-5-202, 4-5-209, 71-1-105, 71-1-105(12), 71-3-151 through 71-3-165, 71-3-154(d)(1)(B) and (c), 71-3-157(c)(1) and (f), 71-3-158(d)(2)(D), Acts of 1996, Chapter 950, and 42 U.S.C.A. §1315; Federal Waiver of July 26, 1996 pursuant to §1115 of the Social Security Act; 42 U.S.C. §§ 601 et seq., 42 U.S.C. § 607(c) and (d), 42 U.S.C. § 608(a)(7) and 42 U.S.C. § 609(a)(9); 45 C.F.R. § 261.2(b) through (m), 45 C.F.R. § 261.2(n), 45 C.F.R. § 261.10, 45 C.F.R. § 261.14, 45 C.F.R. § 261.30; Deficit Reduction Act 2005 (Pub. L. 109-171 §§ 7101 and 7102, February 8, 2006); 71 Federal Register 37454 (June 29, 2006); and Acts 2007, Chapter 31.

Administrative History: Original rule filed December 2, 1996; effective February 15, 1997. Amendment filed June 21, 2002; effective September 4, 2002. Amendment filed December 13, 2002; effective February 26, 2003. Public necessity rule filed July 2, 2007; expired December 14, 2007. Amendment filed October 1, 2007; effective December 15, 2007.